

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No. 1:20-cv-00168-MR-WCM

APRIL LEDFORD,

Plaintiff,

vs.

BRYSON CITY POLICE
DEPARTMENT, ET AL.

Defendants.

**BRIEF IN SUPPORT OF
MOTION FOR ENTRY OF
CONSENT PROTECTIVE ORDER
FOR SBI FILE**

1. INTRODUCTION

This is an action under 42 U.S.C. § 1983 alleging that Chris Dudley, while employed as a police officer for the Bryson City Police Department, sexually assaulted the *Pro Se* Plaintiff and used excessive force against her. These allegations were thoroughly investigated by the North Carolina State Bureau of Investigation (hereafter "SBI").

The SBI will not release its investigative file to the parties herein without a protective order first being entered. The proposed Consent Protective Order, attached to Defendants' Motion as Exhibit A, has been approved by the *Pro Se* Plaintiff and counsel for the SBI.

2. GOOD CAUSE EXISTS FOR ENTRY OF THE CONSENT PROTECTIVE ORDER

Federal Rule of Civil Procedure 26(c)(1)(B) authorizes the issuance of a protective order to specify the "terms" for a particular "disclosure or discovery." Where, as here, the requested protective order is consented to by all parties, it may be entered with or without a showing of good cause. *In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d 417, 424 (9th Cir. 2011) ("While courts generally make a finding of good cause before issuing a protective order, a court need not do so where (as here) the parties stipulate to such an order.").

Even if the Court determines that it must make a finding that good cause exists before issuing the proposed Consent Protective Order, good cause exists here. Specifically, the SBI investigative file will aid both the parties and this Court in ascertaining the facts and evidence related to Plaintiff's claims against the Defendants.

3. CONCLUSION

The parties having so stipulated, the Court is urged to adopt and enter the submitted proposed Consent Protective Order to facilitate the disclosure of the SBI investigative file.

[SIGNATURE TO FOLLOW ON NEXT PAGE]

This 18th day of November, 2021.

HALL BOOTH SMITH, P.C.

By: 

Adam F. Peoples – NC Bar No. 47339
Katherine R. Heath – NC Bar No. 53588
*Attorneys for Defendants Bryson City
Police Department, Chris Dudley, and
Town of Bryson City*
72 Patton Avenue
Asheville, North Carolina 28801
Telephone: (828) 232-4481
Telecopier: (828) 641-9195

CERTIFICATE OF SERVICE

I certify that the foregoing **Brief in Support of Motion for Entry of Consent Protective Order for SBI File** was served this date upon the following counsel of record via use of the CM/ECF system, which will send a notification of such filing and a copy thereof to:

April Ledford
P.O. Box 2150
Bryson City, NC 28713
Pro Se Plaintiff

This 18th day of November, 2021.

HALL BOOTH SMITH, P.C.

By: _____

A handwritten signature in black ink, appearing to read "Adam F. Peoples", written over a horizontal line.

Adam F. Peoples